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ROGER M. RATHBUN
13 MARGARITA COURT
HILTON HEAD ISLAND SC 29926

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JUL 05 2006

In re Application of
Michael H. Mackin
Application No. 10/7257,896
Filed: December 4, 2003
Attorney Docket Number: OM131
Title: CANOPY ADJUSTABLE
MOUNTING SYSTEM FOR INFANT
WARMING APPARATUS

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OFFICE OF PETITIONS

DECISION ON PETITION
UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition filed December 7, 2005, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. §1.113 in a timely manner to the final Office action mailed June 1, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR §1.136(a) were obtained, and no further responses were received. Accordingly, the above-identified application became abandoned on September 2, 2005.

1 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee and the required statement of unintentional delay. A terminal disclaimer is not required.

Petitioner has further submitted an amendment, which has been reviewed by the Examiner, and it has been deemed to constitute the required reply.

As such, the petition is **GRANTED**.

The Technology Center will be notified of this decision, so that the amendment of December 6, 2005 can be further processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
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United States Patent and Trademark Office